

Declaration, Power Of Attorney and Petition

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WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Novel Microorganisms and Method for Producing Xylitol or D-Xylulose

the specification of which

☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and amended on _____.

☐ was filed as PCT international application

Number _____

on _____,

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed	
10-193472	Japan	08/07/1998	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10-310398	Japan	30/10/1998	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
11-12244	Japan	20/01/1999	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And we (I) hereby appoint: Norman F. Oblon, Registration Number 24,618; Marvin J. Spivak, Registration Number 24,913; C. Irvin McClelland, Registration Number 21,124; Gregory J. Maier, Registration Number 25,599; Arthur I. Neustadt, Registration Number 24,854; Richard D. Kelly, Registration Number 27,757; James D. Hamilton, Registration Number 28,421; Eckhard H. Kuesters, Registration Number 28,870; Robert T. Pous, Registration Number 29,099; Charles L. Gholz, Registration Number 26,395; Vincent J. Sunderdick, Registration Number 29,004; William E. Beaumont, Registration Number 30,996; Steven B. Kelber, Registration Number 30,073; Robert F. Gnuse, Registration Number 27,295; Jean-Paul Lavalleye, Registration Number 31,451; Timothy R. Schwartz, Registration Number 32,171; Stephen G. Baxter, Registration Number 32,884; Martin M. Zoltick, Registration Number 35,745; Robert W. Hahl, Registration Number 33,893; Richard L. Treanor, Registration Number 36,379; Steven P. Weihrouch, Registration Number 32,829; John T. Goolkasian, Registration Number 26,142; Marc R. Labgold, Registration Number 34,651; William J. Healey, Registration Number 36,160; and Richard L. Chinn, Registration Number 34,305; our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to the firm of OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C., whose Post Office Address is: Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Yasuhiro MIHARA

NAME OF FIRST SOLE INVENTOR

Residence: Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Fermentation & Biotechnology Laboratories, 1-1, Suzuki-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa, Japan

Yasuhiro Mihara
Signature of Inventor

June 2, 1999

Date

Sonoko TAKEUCHI

NAME OF SECOND JOINT INVENTOR

Sonoko Takeuchi

Signature of Inventor

June 2, 1999

Date

Yasuko JOJIMA

NAME OF THIRD JOINT INVENTOR

Yasuko Jojima

Signature of Inventor

June 2, 1999

Date

Naoto TONOUCHI

NAME OF FOURTH JOINT INVENTOR

Naoto Tonouchi

Signature of Inventor

June 2, 1999

Date

Ryosuke FUDOU

NAME OF FIFTH JOINT INVENTOR

Ryosuke Fudou

Signature of Inventor

June 2, 1999

Date

Residence:Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Amino Science
Laboratories, 1-1, Suzuki-cho, Kawasaki-ku,
Kawasaki-shi, Kanagawa, Japan

Residence:Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Central Research
Laboratories, 1-1, Suzuki-cho, Kawasaki-ku,
Kawasaki-shi, Kanagawa, Japan

Residence:Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Amino Science
Laboratories, 1-1, Suzuki-cho, Kawasaki-ku,
Kawasaki-shi, Kanagawa, Japan

Residence:Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Central Research
Laboratories, 1-1, Suzuki-cho, Kawasaki-ku,
Kawasaki-shi, Kanagawa, Japan

Kenzo YOKOZEKI

NAME OF SIXTH JOINT INVENTOR

Kenzo Yokozeki
Signature of Inventor

June 2, 1999
Date

NAME OF SEVENTH JOINT INVENTOR .

Signature of Inventor

Date

NAME OF EIGHTH JOINT INVENTOR

Signature of Inventor

Date

NAME OF NINTH JOINT INVENTOR

Signature of Inventor

Date

Residence: Kawasaki-shi, Kanagawa, Japan

Citizen of: Japanese

Post Office Address:

c/o Ajinomoto Co., Inc., Amino Science
Laboratories, 1-1, Suzuki-cho, Kawasaki-ku,
Kawasaki-shi, Kanagawa, Japan

Residence: _____

Citizen of: _____

Post Office Address: _____

Residence: _____

Citizen of: _____

Post Office Address: _____

Residence: _____

Citizen of: _____

Post Office Address: _____